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HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2671 OF 2007.

Aajchi Navi Mumbai,
Through: its Proprietor-
Suresh Wadwalkar,
Vashi Plaza A-235, 1st floor,
Sector 17, Vashi,
Navi Mumbai. ..Petitioner.

V E R S U S

1. CIDCO,
Cidco Bhavan, CBD Belapur,
Navi Mumbai.

2. The State of Maharashtra
Through: Secretary,
Urban Dev. Deptt.,
Mumbai 32. ..Respondents.

Mr. C. R. Rege a/w Mrs. Shakuntala A. Mudbidri for the petitioner.

Mr. G. S. Hegde for the respondent no.1.

Mr. R. D. Rane A.G.P. for the State.

CORAM: S.B.MHASE & D.G.KARNIK,JJ.

DATE : OCTOBER 8, 2007.

ORAL JUDGMENT (Per D.G.Karnik, J).

1. Rule. By consent rule is made returnable forthwith and called for hearing.

2. The grievance of the petitioner in this petition is that his application for allotment of open plot in Press Complex, Sanpada, Navi Mumbai made on 20th June 1999 is not decided by the respondent no.1.

The petitioner applied for the allotment of plot admeasuring 1000 sq. feet in the Press Complex of CIDCO. The petitioner's application was not considered for several years. The petitioner, therefore, approached the respondent no.1 again and requested it to decide his application. By communication dated 18th July 2006 the petitioner was informed that in view of the direction given by the High Court in Writ Petition No. 115 of 2004 the State Government had formed an independent Committee under the Chairmanship of a retired Chief Justice of a High Court (Mr. Justice Agrawal) and other members and report of the Committee was awaited, and only after the report of the committee was received the appropriate decision would be taken. The petitioner thereafter applied under the Right to Information Act, 2005 seeking information about the report of the committee. By letter dated November 1, 2006 the petitioner was informed that the committee had submitted the report to the State Government on 25th November 2004 and thereafter the report was considered by the government which has decided not to accept suggestion no.4 made by the Committee regarding the allotment of plots to the Press. The government decided that as the Land Disposal Regulations were already framed under the Maharashtra Regional & Town Planning Act, 1966, which were applicable for all allotment of lands and it would not be appropriate to provide a separate Rules for the purpose of allotment

of land to the Press.

3. It thus appears that the application for allotment of a plot made by the respondent no.1 is to be decided in accordance with the New Bombay Land Disposal Regulations or and existing policy of the respondent no.1 in consonance with the said Regulations. As the decision has been taken by the government regarding the manner of allotment of land, including land for the press, there can be no reason for not considering the application of the petitioner on its own merit.

4. On our query learned counsel for the respondent no.1 stated that the application made by the petitioner for allotment of land would be considered in accordance with the New Bombay Land Disposal Regulations and the existing policy of the respondent no.1 regarding allotment. We accordingly direct the respondent no.1 to decide the petitioner's application dated 20th June 1990 in accordance with law within a period of eight weeks. The decision taken by the respondent no.1 shall be communicated to the petitioner forthwith. Rule is made absolute to the extent indicated above.

(D.G.KARNIK, J.) **(S.B.MHASE, J.)**